

EXHIBIT K

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Attorneys for Plaintiff

OVERTURE SERVICES, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

OVERTURE SERVICES, INC., a
Delaware Corporation,

Plaintiff,

vs.

GOOGLE INC., a California Corporation,

Defendant.

No. C02-01991 JSW (EDL)

**OVERTURE SERVICES, INC.'S FIFTH
SET OF REQUESTS FOR THE
PRODUCTION OF DOCUMENTS AND
THINGS (NOS. 92-115) TO
GOOGLE INC.**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiff, Overture Services Inc. ("Overture"), requests that Defendant, Google Inc. ("Google"), respond in writing to the following requests for the production of documents and things. Overture requests that the documents be produced by Google for inspection and copying within thirty (30) days after the date of service hereof, at the offices of Brinks Hofer Gilson &

1 Lione, 455 North Cityfront Plaza Drive, NBC Tower, Suite 3600, Chicago, Illinois 60611,
2 or at such time or place as counsel may agree upon.

3 If Google withholds from production any of the requested documents on the basis
4 of a claim of attorney-client privilege or work-product immunity, Overture requests that
5 Google provide, within thirty (30) days of service of this request, or at a time mutually
6 agreed upon by the parties, a list identifying each withheld document in accordance with
7 Fed. R. Civ. P. 26(b)(5).

8 9 **DEFINITIONS AND INSTRUCTIONS**

10 The definitions and instructions set forth in Overture's First Set of Requests for
11 Production of Documents are hereby incorporated by reference.

12 The term "Terra Lycos" means Terra Lycos, as well as any parents,
13 subsidiaries, divisions, affiliates, predecessors, successors, and assigns and all of
14 its current and former officers, directors, owners, shareholders, employees,
15 contractors, agents, attorneys, and representatives.

16 17 **REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS**

18 92. All documents relating to any discussions, meetings, or communications of
19 any sort between Google and Terra Lycos concerning Google's Sponsored Search
20 System.

21
22 93. All documents relating to any discussions, meetings, or communications of
23 any sort between Google and Terra Lycos concerning Google providing sponsored
24 search links to Terra Lycos.

1 94. All documents relating to any discussions, meetings, or communications of
2 any sort between Google and Terra Lycos concerning Google providing sponsored links
3 to Terra Lycos.

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5 95. All documents relating to any discussions, meetings, or communications of
6 any sort between Google and Terra Lycos concerning Google providing paid links to
7 Terra Lycos.

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9 96. All documents relating to any discussions, meetings, or communications of
10 any sort between Google and Terra Lycos concerning Overture.

11
12 97. All documents relating to any discussions, meetings, or communications of
13 any sort between Google and Terra Lycos concerning any agreement or license entered
14 into by Terra Lycos.

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16 98. All documents relating to any discussions, meetings, or communications of
17 any sort between Google and Terra Lycos concerning any agreement or license entered
18 into by Overture.

19
20 99. All documents relating to any discussions, meetings, or communications of
21 any sort between Google and Terra Lycos concerning the '361 patent.

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23 100. All documents relating to any discussions, meetings, or communications
24 between Google and Terra Lycos concerning any litigation involving Overture.

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26 101. All documents relating to any discussions, meetings, or communications
27 between Google and Terra Lycos concerning any intellectual property belonging to
28 Overture.

1 102. All documents relating to any discussions, meetings, or communications
2 between Google and Terra Lycos concerning infringement or noninfringement of any
3 claim of the '361 patent.

4
5 103. All documents relating to any discussions, meetings, or communications
6 between Google and Terra Lycos concerning validity or invalidity of any claim of the
7 '361 patent.

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9 104. All documents relating to any discussions, meetings, or communications
10 between Google and Terra Lycos concerning enforceability or unenforceability of any
11 claim of the '361 patent.

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13 105. All documents relating to any discussions, meetings, or communications
14 between Google and Terra Lycos concerning the interpretation or scope of any of claim
15 of the '361 patent.

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17 106. All documents relating to any discussions, meetings, or communications
18 between Google and Terra Lycos concerning any oral or written opinion of legal counsel
19 with respect to:

- 20 (a) infringement or noninfringement of any claim of the '361 patent;
21 (b) validity or invalidity of any claim of the '361 patent;
22 (c) enforceability or unenforceability of any claim of the '361 patent; or
23 (d) interpretation or scope of any of claim of the '361 patent.

24
25 107. All documents relating to any licenses, agreements, partner agreements,
26 or letters of intent entered into by Google and Terra Lycos relating to Google's
27 Sponsored Search System, including, but not limited to, any licenses, agreements,
28 partner agreements, affiliate agreements, or letters of intent.

108. All documents relating to any licenses, agreements, partner agreements, or letters of intent entered into by Google and Terra Lycos relating to sponsored search links, including, but not limited to, any licenses, agreements, partner agreements, affiliate agreements, or letters of intent.

109. All documents relating to any licenses, agreements, partner agreements, or letters of intent entered into by Google and Terra Lycos relating to sponsored links, including, but not limited to, any licenses, agreements, partner agreements, affiliate agreements, or letters of intent.

110. All documents relating to any licenses, agreements, partner agreements, or letters of intent entered into by Google and Terra Lycos relating to paid links, including, but not limited to, any licenses, agreements, partner agreements, affiliate agreements, or letters of intent.

111. All documents relating to any indemnification, promise of any indemnification, or hold harmless agreement given by Google to Terra Lycos.

112. All documents relating to any indemnification, promise of any indemnification, or hold harmless agreement given by Google to Terra Lycos with respect to the '361 patent or any of the claimed subject matter thereof.

113. All documents relating to any agreements entered into or proposed between Google and Terra Lycos concerning any intellectual property belonging to Overture.

114. All documents relating to any agreements entered into or proposed between Google and Terra Lycos concerning any litigation involving Overture.

1 115. All documents relating to any negotiations concerning any agreements or
2 arrangements involving Google and Terra Lycos.

3
4 Dated: December 5, 2003

By: 

5 Jack C. Berenzweig
6 William H. Frankel
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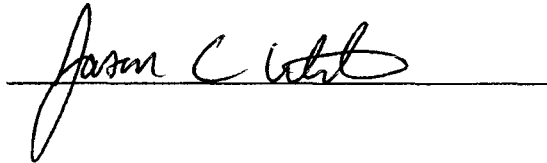
14 Attorneys for Plaintiff
15 OVERTURE SERVICES, INC.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies the foregoing OVERTURE SERVICES, INC.'S FIFTH SET OF REQUESTS FOR THE PRODUCTION OF DOCUMENTS AND THINGS (NOS. 92-115) TO GOOGLE INC., was served this 5th day of December, 2003, via facsimile, with confirmation copy via first-class mail, upon:

facsimile number (415) 397-7188

Michael S. Kwun
Keker & Van Nest, LLP
710 Sansome Street
San Francisco, CA 94111-1704

A handwritten signature in cursive script, appearing to read "Jason C. White", is written over a horizontal line.